

REMARKS

Claims 1-12, 14-17 and 19-24 are pending. Claims 1, 12, 17 and 21 are amended. Claims 13 and 18 are canceled without prejudice to or disclaimer of the underlying subject matter. No new matter is introduced.

Applicants have amended the claims 1, 12, 17 and 21 to recite "allowing the consumer to resume executing the initiated event," for clarification purposes only. No surrender of claims scope was intended by this amendment. Applicants hereby request entry of this amendment, and request reconsideration and issuance of a Notice of Allowance.

Applicants submit that the finality of the present Office Action is improper as being premature and request that the finality be withdrawn. *See* MPEP § 706.07(c). Specifically, MPEP § 706.07(b) states:

The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.

On August 15, 2005, Applicants filed an RCE with accompanying claim amendments including new claims 21-24. The claims, such as independent claim 21, recited features such as "writing the log entry information to the log file using the log entry clone," not previously claimed. The dependent claims 22-24 included additional features. Each of these dependent claims represented a new combination of subject matter not previously claimed. Therefore, claims 21-24 included in the RCE were not drawn to the same invention claimed in the earlier application and could not be finally rejected in the next Office action, as stated in MPEP § 706.07(b). Other independent claims were also amended in conjunction with the RCE. Therefore, the finality of the present Office Action, responsive to Applicants RCE with amendments filed August 15, 2005, is improper and must be withdrawn. *See also*, MPEP § 706.07(e). That this finality was improper is emphasized by the fact that the Examiner would not have entered them had they been presented as after-Final amendments.

The Office Action rejects under 35 U.S.C. 102(e) claims 1-12, 14-17 and 19-24 as being anticipated by Koseki et al., U.S. Patent No. 6,732,124 (hereinafter "*Koseki*"). Applicant traverses these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal*

Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 Fed. Cir. 1987).

Applicants submit that *Koseki* does not expressly or inherently describe each and every element of the claimed invention.

Koseki does not disclose or suggest cloning a log entry that comprises information describing an event executed on a computer system, as claimed. As described in the Office Action, page 2, paragraph 2, in *Koseki*, part of the metadata allocation management data is duplicated (col. 10, lines 28-30). The metadata allocation management data controls the usage of metadata resources. See col. 10, lines 37-39. However, the metadata allocation management data does not comprise information describing an event executed on a computer system that is contained in the log entry, as claimed. Therefore, *Koseki* clearly fails to disclose this claimed feature. Additionally, *Koseki* states “partly duplicating metadata allocation management data” (col. 10, lines 28-30) not that the log entry clone is a copy of an entire log entry that comprises the log entry information, as claimed. Therefore, *Koseki* does not anticipate the claims such as independent claims 1, 12, 17 and 21. Independent claims 1, 12, 17 and 21 are in condition for allowance over *Koseki* for at least these reasons.

In addition, Applicants submit that *Koseki* does not disclose or suggest, at least, releasing control of the log entry to the consumer...wherein releasing control of the log entry to the consumer comprises:

cloning the log entry, wherein the log entry clone is a copy of an entire log entry that comprises the log entry information; and

allowing the consumer to resume executing the initiated event,

as recited, among other features, in independent claims 1, 12 and 21. Independent claim 17 includes similar features.

The Office Action states that “there is no explicit definition as to what “releasing control” encompasses and what acts achieve this step.” See Office Action, page 2, paragraph 2. However, as noted in the same paragraph of the Office Action, the specification at page 9, lines 16-23, for example, describes what the term “releasing control” encompasses. Moreover, the original claims 1-20 also provide support for the term “releasing control.” As claimed, releasing control, of the log entry to the consumer, comprises cloning the entire log entry and allowing the consumer to resume executing the initiated event. *Koseki* does not disclose or suggest these features.

Koseki discloses that an allocation management data duplicator 52 produces an allocation control block 51b, which is a partial copy of the allocation management data 51a. The metadata allocation unit 54 updates both the allocation management data 51a and an

allocation control block 51b. After that, the transaction 53 issues a metadata deallocation request. Upon receipt of this request, the metadata deallocation unit 55 frees up the specified metadata object, updating solely the allocation management data 51a. See col. 10, line 60 - col. 11, line 4. However *Koseki* does not disclose or suggest releasing control, of the log entry to the consumer, comprises cloning the entire log entry and allowing the consumer to resume executing the initiated event, as claimed. Therefore, independent claims 1, 12, 17 and 21 are in condition for allowance over *Koseki* for these additional reasons.

Claims 2-11 depend from independent claim 1, claims 14-16 depend from independent claim 12, claims 19-20 depend from independent claim 17, and claims 22-24 depend from independent claim 21. Therefore, claims 2-11, 14-16, 19-20 and 22-24 are allowable for the reasons stated above and for the additional features recited therein.

CONCLUSION

In view of the above remarks, Applicants believe that the rejection against this application has been fully addressed and that the application is now in condition for allowance. Therefore, withdrawal of the rejection and a notice of allowance for the application are respectfully requested.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 50-1078.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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